



DEC 10 2004

TRANSMITTAL FORM

*(to be used for all correspondence during pendency of
filed application)*

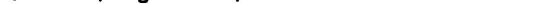
| | | | |
|--|----|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i> | | Application Number | 10/007,734 |
| | | Filing Date | November 9, 2001 |
| | | First Named Inventor | Yaochu Jin |
| | | Group Art Unit Number | 2121 |
| | | Examiner Name | George B. Davis |
| Total Number of Pages in This Submission | *8 | Attorney Docket Number | 23077-06445 |

ENCLOSURES (*check all that apply*)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Return Receipt Postcard | <input type="checkbox"/> Letter to Chief Draftsperson |
| <input type="checkbox"/> Response to Notice to File Missing Parts | <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input checked="" type="checkbox"/> Copies of IDS Cited References | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> Request for Corrected Filing Receipt | |
| <input type="checkbox"/> Request for Correction of Recorded Assignment | |
| <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final | |
| <input type="checkbox"/> Status Request | |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney | |

REMARKS: *Number of pages does not include cited references

SIGNATURE OF ATTORNEY OR AGENT

| | | | |
|--------------------|--|--------|---------|
| Signature: |  | | |
| Attorney/Reg. No.: | John T. McNelis, Reg. No.: 37,186 | Dated: | 12/6/04 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

| | |
|---|---|
| Signature: |  |
| Typed or Printed Name: | John T. McNelis |
| Dated: | 12/6/04 |
| Express Mail Mailing Number (optional): | |

OIPE SCIS
DEC 10 2004
PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **180.00**

| Complete if Known | |
|----------------------|------------------|
| Application Number | 10/007,734 |
| Filing Date | November 9, 2001 |
| First Named Inventor | Yaochu Jin |
| Examiner Name | George B. Davis |
| Art Unit | 2121 |
| Attorney Docket No. | 23077-06445 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **19-2555**

Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

| Fee | Fee | Fee | Fee Description | Fee Paid |
|---------------------|------|-------------|-----------------|------------------------|
| Code | (\$) | Code | (\$) | |
| 1001 | 790 | 2001 | 395 | Utility filing fee |
| 1002 | 350 | 2002 | 175 | Design filing fee |
| 1003 | 550 | 2003 | 275 | Plant filing fee |
| 1004 | 790 | 2004 | 395 | Reissue filing fee |
| 1005 | 160 | 2005 | 80 | Provisional filing fee |
| SUBTOTAL (1) | | (\$) | -0- | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | -20** = | X | = |
| Independent Claims | -3** = | X | = |
| Multiple Dependent | | | |

Large Entity | Small Entity

| Fee | Fee | Fee | Fee Description |
|---------------------|------|-------------|---|
| Code | (\$) | Code | (\$) |
| 1202 | 18 | 2202 | 9 |
| | | | Claims in excess of 20 |
| 1201 | 88 | 2201 | 44 |
| | | | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 |
| | | | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 44 |
| | | | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 |
| | | | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$) | -0- |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------------|--------------|-----------------|---|
| Fee Code | Fee (\$) | Fee Code (\$) | |
| 1051 | 130 | 2051 | 65 Surcharge - late filing fee or oath or declaration |
| 1052 | 50 | 2052 | 25 Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 For filing a request for ex parte reexamination |
| 1804 | 920* | 1804 | 920* Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 Extension for reply within first month |
| 1252 | 430 | 2252 | 215 Extension for reply within second month |
| 1253 | 980 | 2253 | 490 Extension for reply within third month |
| 1254 | 1,530 | 2254 | 765 Extension for reply within fourth month |
| 1255 | 2,080 | 2255 | 1,040 Extension for reply within fifth month |
| 1401 | 340 | 2401 | 170 Notice of Appeal |
| 1402 | 340 | 2402 | 170 Filing a brief in support of an appeal |
| 1403 | 300 | 2403 | 150 Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 Petition to revive - unavoidable |
| 1453 | 1,370 | 2453 | 685 Petition to revive - unintentional |
| 1501 | 1,370 | 2501 | 685 Utility issue fee (or reissue) |
| 1502 | 490 | 2502 | 245 Design issue fee |
| 1503 | 660 | 2503 | 330 Plant issue fee |
| 1460 | 130 | 1460 | 130 Petitions to the Director |
| 1807 | 50 | 1807 | 50 Processing fee for Provisional Applications |
| 1806 | 180 | 1806 | 180 Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 Recording each patent assignment per property (times number of properties) |
| 1809 | 790 | 2809 | 395 Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 790 | 2810 | 395 For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 790 | 2801 | 395 Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 Request for expedited examination of a design application |
| Other fee (specify) _____ | | | |
| SUBTOTAL (3) | | (\$) | 180 |

•Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | | |
|-------------------|----------------|-----------------------------------|--------|---------------------------|
| Name (Print/Type) | John T. McNeis | Registration No. (Attorney/Agent) | 37,186 | Complete (if applicable) |
| Signature | | | | Telephone: (650) 335-7133 |

Date

12/6/04



2121
JW/K

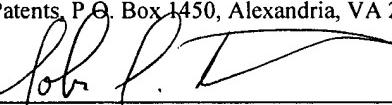
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yaochu Jin *et al.*
APPLICATION NO.: 10/007,734
FILING DATE: November 9, 2001
TITLE: Approximate Fitness Functions
EXAMINER: George B. Davis
GROUP ART UNIT: 2121
ATTY. DKT. NO.: 23077-06445

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 6 Dec 2004

By: 
John T. McNelis, Reg. No.: 37,186

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
- Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained

PATENT

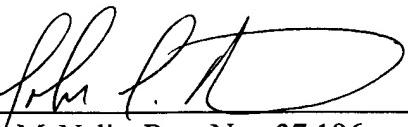
in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

PATENT

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
YAOCHU JIN *ET AL.*

Dated: 6 Dec 2004 By: 

John T. McNelis, Reg. No.: 37,186
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7133
Fax.: (650) 938-5200
jmcnelis@fenwick.com



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

| | |
|----------------------|------------------|
| Application No. | 10/007,734 |
| Filing Date | November 9, 2001 |
| First Named Inventor | Yaochu Jin |
| Art Unit | 2121 |
| Examiner Name | George B. Davis |

Sheet

1 of 1

Attorney Docket Number

23077-06445

U.S. PATENT DOCUMENTS

| | | Document No. | | |
|--------------------|-----------------------|--|-----------------|---|
| Examiner Initials* | Cite No. ¹ | Number – Kind Code ² (if known) | Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |

FOREIGN PATENT DOCUMENTS

| | | Foreign Patent Document | | | |
|--------------------|-----------------------|---|-----------------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Country Code ³ – Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ |
| | | | | | |
| | | | | | |

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS

| | | | |
|--------------------|-----------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ⁶ |
| | | DASGUPTA, DIPANKAR ET AL., Evolutionary Algorithms in Engineering Applications, 1997, 3-23, Springer-Verlag | |
| | | DEB, K., Evolutionary Algorithms for Multi-Criterion Optimization in Engineering Design, In MIETTINEN ET AL., Evolutionary Algorithms in Engineering and Computer Science, 1999, pgs. 135-161, John Wiley and Sons, Ltd., Chichester, UK | |
| | | VAN VELDHUIZEN, DAVID A. ET AL., Multiobjective Evolutionary Algorithms: Analyzing the State-of-the-Art, Evolutionary Computation, 2000, 125-147, Vol. 8, No. 2, The MIT Press, Cambridge, MA | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.